

REMARKS

Claims 19, 20, 23 and 24-27 are currently pending, wherein claims 1-18, 21 and 22 have been canceled and new claims 25-27 have been added. Favorable reconsideration is respectfully requested in view of the remarks presented herein below.

In paragraph 3 of the Office action ("Action"), the Examiner rejects claims 17-19 and 21-23 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,835,493 to Magee et al. ("Magee"), in view of U.S. Patent No. 5,533,021 to Branstad et al. ("Branstad"). Claims 17, 18, 21 and 22 have been canceled, rendering this rejection moot with regard thereto. Regarding claims 19 and 23 Applicant respectfully traverses this rejection.

In order to support a rejection under 35 U.S.C. § 103, the Examiner must establish a *prima facie* case of obviousness. To establish a *prima facie* case of obviousness three criteria must be met. First, there must be some rationale to combine the cited references. Second, there must be a reasonable expectation of success. Finally, the combination must teach each and every claimed element. In the present case, claims 19 and 23 are patentable over the combination of Magee and Branstad for at least the reason that the combination fails to disclose each and every claimed element. More specifically, the combination fails to disclose a clock information reallocating section for reallocating the clock information of selected media information packets by synchronizing to a received transmission path clock signal as claimed.

Magee discloses an MPEG transport stream remultiplexer for communicating plural programs. The multiplexing apparatus provides means for remultiplexing one or more higher layered transport streams to selectively include one or more programs, or elementary streams of programs, carried therein. The remultiplexer utilizes the PID's of inputted transport packets as a

basis for extracting, capturing, discarding and replacing inputted transport packets. In addition, Magee discloses that the old PCR data is modified by adding the difference between the receive time and transmit time. However, Magee fails to disclose reallocating the clock information of selected media information packets by synchronizing to a received transmission path clock signal as recited in independent claims 19 and 23. Reconsideration and withdrawal of the rejection of claims 19 and 23 is respectfully requested.

In paragraph 4 of the Action, the Examiner rejects claims 20 and 24 under 35 U.S.C. § 103(a) as being unpatentable over Magee in view of Branstad, further in view of U.S. Patent No. 6,901,209 to Cooper et al. ("Cooper"). Applicant respectfully traverses this rejection.

Claims 20 and 24 depend from independent claims 19 and 23 respectfully. Therefore, claims 20 and 24 are patentable over the combination of Magee and Branstad for at least those reasons presented above with respect to claims 19 and 23. Cooper discloses a method and apparatus for allowing a user to select and view one or multiple programs at random. However, nowhere in Cooper is there any disclosure of reallocating the clock information of selected media information packets by synchronizing to a received transmission path clock signal as claimed.

Since the combination of Magee, Branstad, and Cooper each fail to disclose or suggest reallocating the clock information of selected media information packets by synchronizing to a received transmission path clock signal as claimed, the combination of these three references cannot possibly disclose or suggest said feature. Therefore, even if one skilled in the art had some rationale to combine Magee and Cooper, the combination would still fail to render claims 20 and 24 unpatentable because the combination fails to disclose each and every claimed

element. Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 20 and 24 under 35 U.S.C. § 103.

New claims 25-27 define an apparatus and method for receiving and decoding a *remultiplexed* transport stream wherein the remultiplexed bit stream includes modified program control information and media information packets received from a plurality of multiplexed input bit streams

The application is in condition for allowance. Notice of same is earnestly solicited. Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Penny Caudle Reg. No. 46,607 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,

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